

The original documents are located in Box 63, folder “10/15/76 S726 Land Conveyance Idaho” of the White House Records Office: Legislation Case Files at the Gerald R. Ford Presidential Library.

Copyright Notice

The copyright law of the United States (Title 17, United States Code) governs the making of photocopies or other reproductions of copyrighted material. Gerald R. Ford donated to the United States of America his copyrights in all of his unpublished writings in National Archives collections. Works prepared by U.S. Government employees as part of their official duties are in the public domain. The copyrights to materials written by other individuals or organizations are presumed to remain with them. If you think any of the information displayed in the PDF is subject to a valid copyright claim, please contact the Gerald R. Ford Presidential Library.

Exact duplicates within this folder were not digitized.

APPROVED
OCT 15 1976

8 10 | 15 | 76

THE WHITE HOUSE
WASHINGTON

ACTION

October 14, 1976

Last Day: October 19

MEMORANDUM FOR THE PRESIDENT
FROM: JIM CANNON *Jim Cannon*
SUBJECT: S. 726 - Land Conveyance, Idaho

Posted
10/15/76

archived
10/15/76

Attached for your consideration is S. 726, sponsored by Senator Church.

The enrolled bill directs the Secretary of the Interior to convey to Valley County, Idaho an isolated 40-acre tract of public domain land upon payment by the county of the land's fair market value.

Additional information is provided in OMB's enrolled bill report at Tab A.

OMB, Max Friedersdorf, Counsel's Office (Kilberg) and I recommend approval of the enrolled bill.

RECOMMENDATION

That you sign S. 726 at Tab B.





EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

OCT 12 1976

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill S. 726 - Land conveyance, Idaho
Sponsor - Sen. Church (D) Idaho

Last Day for Action

October 19, 1976 - Tuesday

Purpose

Directs the Secretary of the Interior to convey certain lands to Valley County, Idaho upon payment by the county of the land's fair market value.

Agency Recommendations

Office of Management and Budget	Approval
Department of the Interior	Approval

Discussion

For several years, the Commissioners of Valley County, Idaho have sought to acquire private land for use as a sanitary landfill. To date, they have not been able to identify suitable land for such purposes, unless acquisition is accomplished by condemnation. However, the Boise Cascade Corporation does own a parcel of suitable land in the area, which they are not willing to sell outright, but would be willing to exchange.

The enrolled bill would direct the Secretary of the Interior to convey to Valley County an isolated 40-acre tract of public domain land for the purpose of facilitating such an exchange. Conveyance would

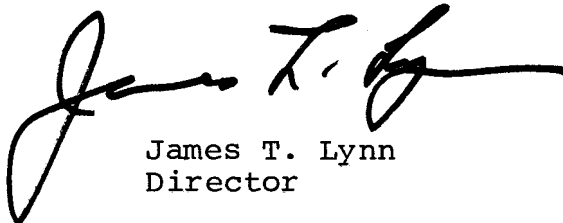
be subject to payment by Valley County of the tract's fair market value as determined by the Secretary.

This tract is already surrounded entirely by privately-owned lands. It is moderately sloping with a 70 percent stocking of second growth lodgepole pine and Douglas fir timber. The soil is composed of relatively coarse decomposed granite material. The tract does not contain any water.

Conveyance of this tract would permit the county to complete the planned land exchange with the Boise Cascade Corporation. Such an exchange is deemed necessary, as the Federal land to be conveyed under the bill is far less suitable for use as a sanitary landfill than the Boise Cascade land.

In reporting to the Congress, the Department of the Interior offered no objection to enactment of S. 726. The Department cited a Bureau of Land Management study that indicated no overriding reason for retaining the land in public ownership. In its attached enrolled bill letter, Interior further notes that disposal of the land would:

" ... serve objectives which apparently cannot be achieved prudently or feasibly on land other than that tract and which appear to outweigh public objectives served by retention in Federal ownership."

A handwritten signature in black ink, appearing to read "James T. Lynn". The signature is fluid and cursive, with a large initial "J" and a long, sweeping underline.

James T. Lynn
Director

Enclosure



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

OCT 7 - 1976

Dear Mr. Lynn:

This will respond to your request for the views of this Department on the enrolled bill S. 726, "To direct the Secretary of the Interior to convey, for fair market value, certain lands to Valley County, Idaho."

We recommend that the President approve the enrolled bill.

As enrolled, S. 726 would authorize and direct the Secretary of the Interior to convey, upon the payment of fair market value as determined by the Secretary of the Interior, certain lands in Valley County, Idaho.

The land described in the bill is an isolated tract of national resource land in the Long Valley area of Valley County, Idaho and is completely surrounded by privately held land. It is moderately sloping with a 70 percent stocking of second lodgepole pine and Douglas fir timber. The soil is coarse decomposed granitic material. No water occurs on the tract.

It is our understanding that Valley County wishes to acquire the subject tract for use as a sanitary landfill or for exchange purposes in order to acquire another site for the landfill.

In the past, Valley County officials considered acquiring the subject tract for use as a sanitary landfill under the Recreation and Public Purposes Act. However, it was determined that the tract was not suitable for such development. The possibility of the Bureau of Land Management's exchanging this land for other land suitable for the landfill and conveying of the new tract to the County was also investigated but no agreement could be reached which would achieve the County's goals and satisfy the Department's criteria and procedures for conveyances under the Recreation and Public Purposes Act. However, we believe that conveyance for fair market value as would be required by S. 726 would be generally consistent with the disposal criteria proposed by this Department and incorporated into S. 507, the "Federal Land Policy and Management Act of 1976," which was enacted by the Congress on October 1, 1976.



The Bureau of Land Management has made an assessment of the resource values and the physical character of the 40-acre tract covered by S. 726. We see no reason for retaining the land in public ownership. The subject land in S. 726 is an isolated tract difficult to manage as part of the national resource lands and disposal will serve objectives which apparently cannot be achieved prudently or feasibly on land other than that tract and which appear to outweigh public objectives served by retention in Federal ownership. Although we have not had the opportunity to evaluate the values in the tract as fully as would be done under the Bureau of Land Management planning system, we shall do so in setting the fair market value as required by the enrolled bill. Accordingly, we recommend that the President approve S. 726.

Sincerely yours,


Assistant Secretary of the Interior

Honorable James T. Lynn
Director, Office of
Management and Budget
Washington, D.C.

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

19

Date: October 12

Time: 830pm

FOR ACTION:

George Humphreys
Max Friedersdorf
Bobbie Kilberg

cc (for information):

Jack Marsh
Ed Schmults
Steve McConahey

FROM THE STAFF SECRETARY

DUE: Date: October 14

Time: 530pm

SUBJECT:

S.726-Land conveyance, W&aho

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

please return to judy johnston, ground floor west wing

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

K. R. COLE, JR.
For the President

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

7

Date:

October 12

Time:

830pm

FOR ACTION:

George Humphreys
Max Friedersdorf
Bobbie Kilberg

cc (for information):

Jack Marsh
Ed Schmults
Steve McConahey

FROM THE STAFF SECRETARY

DUE: Date:

October 14

Time:

530pm

SUBJECT:

S.726-Land conveyance, Idaho

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

please return to judy johnston, ground floor west wing

*No objection
R Lazarus 10/13*

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

James M. Cannon
For the President

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

7

Date:

October 12

Time:

830pm

FOR ACTION:

George Humphreys
Max Friedersdorf
Bobbie Kilberg

cc (for information):

Jack Marsh
Ed Schmults
Steve McConahey

FROM THE STAFF SECRETARY

DUE: Date:

October 14

Time:

530pm

SUBJECT:

S.726-Land conveyance, Idaho

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

please return to judy johnston, ground floor west wing

I recommend approval.
pmh

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

James M. Cannon
For the President

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

7

Date: October 12

Time: 830pm

FOR ACTION: George Humphreys
Max Friedersdorf
Bobbie Kilberg

cc (for information): Jack Marsh
Ed Schmults.
Steve McConahey

FROM THE STAFF SECRETARY

DUE: Date: October 14

Time: 530pm

SUBJECT:

S.726-Land conveyance, Idaho

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

please return to judy johnston, ground floor west wing

Recommend Approval.

mf

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

James M. Cannon
For the President

CONVEYING CERTAIN FEDERAL LANDS TO VALLEY COUNTY, IDAHO

DECEMBER 17 (legislative day, DECEMBER 15), 1975.—Ordered to be printed

Mr. CHURCH, from the Committee on Interior and Insular Affairs,
submitted the following

REPORT

[To accompany S. 726]

The Committee on Interior and Insular Affairs, to which was referred the bill (S. 726) to direct the Secretary of the Interior to convey, for fair market value, certain lands to Valley County, Idaho, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

I. PURPOSE, BACKGROUND, AND DESCRIPTION OF S. 726

S. 726 would authorize and direct the Secretary of the Interior to convey, upon the payment of fair market value as determined by him, certain lands to Valley County, Idaho.

The Valley County Commissioners have sought private land to be used as a sanitary landfill for more than 4 years. They have informed the Committee that after an intensive search, suitable private land cannot be acquired other than by condemnation. However, Boise Cascade Corporation does possess suitable land which it is not willing to sell but would exchange.

Should S. 726 be enacted, the Valley County Commissioners contemplate an exchange of the 40-acre tract of public domain land which would be conveyed to the County under the bill for the land owned by Boise Cascade. The exchange is deemed necessary because the land to be conveyed under S. 726 is far less suitable for a sanitary landfill than is the Boise Cascade land.

The 40 acres in Federal ownership to be conveyed, described as the "northwest quarter of the southwest quarter of section 3, township 15 north, range 4 east, Boise meridian, Valley County, Idaho", are an isolated tract. The land is moderately sloping with a 70-percent stock-

ing of second growth lodgepole pine and Douglas fir timber. The soil is coarse decomposed granite material. The tract does not contain water.

The Department of the Interior, in its September 11, 1975 report on S. 726 found "no overriding reason for retaining the land in public ownership" and has no objection to the enactment of S. 726.

In June of 1974, Senator Church introduced S. 3593 which would have allowed Valley County to take fee title to this 40-acre tract without monetary consideration. Although the Interior Committee favorably reported this bill, the Senate failed to take action on the proposal during the 93d Congress. The County Commissioners of Valley County have since indicated that the county would pay the fair market value for such lands. Therefore, S. 726 was drafted to require such payment.

II. LEGISLATIVE HISTORY

S. 3593 was introduced by Senator Church on June 6, 1974. The Subcommittee on Public Lands held a hearing on the measure on July 17, 1974, and ordered it reported, with an amendment in open mark-up session on September 26, 1974. On October 1, 1974, the Committee on Interior and Insular Affairs, by a unanimous voice vote in open mark-up session, ordered S. 3593, as amended, reported to the Senate. No further action was taken in the 93rd Congress.

On February 18, 1975, Senator Church introduced S. 726, containing the language of S. 3593 modified to include the payment of fair market value. The Subcommittee on the Environment and Land Resources held a hearing on this measure on September 11, 1975.

On September 17, 1975, the Committee, with only five members present, ordered S. 726 reported subject to the presence of a quorum. Shortly thereafter, the Subcommittee on the Environment and Land Resources received a copy of a communication from the Central District Health Department to the Valley County Commissioners which discussed four alternative sites for the sanitary landfill. It had been the understanding of the Subcommittee that the Boise Cascade land was the only appropriate, available site for a landfill. As a result of this communication, the Subcommittee Chairman, Senator Haskell, at the next Committee business meeting, asked that final action on S. 726 be deferred until this issue could be resolved.

On October 22, 1975, Senator Haskell sent a letter to the Valley County Commissioners asking them to clarify the situation before the Committee again considered S. 726. On November 19, 1975, the Subcommittee received the County's response in which the history of the County's search for a landfill site was outlined and the various alternate sites discussed.

It appears that the sites suggested in the letter from the Central District Health Department had each been investigated prior to the time the Department's letter was written. The Boise Cascade site was considered superior because of its isolation from settled areas, workability of the soil, ease of road maintenance and the number of ravines formed by the earlier placer operation which could be filled by solid waste.

The primary disadvantage of this site was brought to the attention of the Valley County Commissioners by the Idaho Department of Fish and Game early this fall. The State agency noted that this area is a

winter range for an undetermined number of elk and it was felt that uncontrolled traffic in this area would drive them out. This objection was overcome by the Commissioner's agreement to restrict traffic in the area during the critical time of the year.

On December 12, 1975, the Committee on Interior and Insular Affairs by a unanimous voice vote in open mark-up session, with a quorum present, ordered S. 726, without amendment, reported to the Senate.

III. COMMITTEE RECOMMENDATION

The Committee on Interior and Insular Affairs, in open mark-up session on December 12, 1975, by voice vote and with a quorum present, unanimously recommended that S. 726 be enacted.

IV. COST

In accordance with subsection (a) of section 255 of the Legislative Reorganization Act, the following is a statement of estimated costs which would be incurred in the implementation of S. 726. Enactment of S. 726 could result in only a minor expenditure of funds in administering the land conveyance. No authorization is necessary or provided in S. 726.

V. EXECUTIVE COMMUNICATIONS

The report of the Department of the Interior to the Committee concerning S. 726 is set forth in full, as follows:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., September 10, 1975.

HON. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to the request of your Committee for the views of this Department on S. 726, a bill "To direct the Secretary of the Interior to convey, for fair market value, certain lands to Valley County, Idaho."

We have no objection to the enactment of the bill.

S. 726 would authorize and direct the Secretary of the Interior to convey, upon the payment of fair market value as determined by the Secretary of the Interior, certain lands to Valley County, Idaho.

The land described in the bill is an isolated track of national resource land in the Long Valley area of Valley County, Idaho and is completely surrounded by privately held land. It is moderately sloping with a 70 percent stocking of second lodgepole pine and Douglas fir timber. The soil is coarse decomposed granitic material. No water occurs on the tract.

It is our understanding that Valley County wishes to acquire the subject tract for use as a sanitary landfill or for exchange purposes in order to acquire another site for the landfill.

In the past, Valley County officials considered acquiring the subject tract for use as a sanitary landfill under the Recreation and Public Purposes Act. However, it was determined that the tract was not suit-

able for such development. The possibility of the Bureau of Land Management's exchanging this land for other land suitable for the landfill and conveying of the new tract to the County was also investigated but no agreement could be reached which would achieve the County's goals and satisfy the Department's criteria and procedures for conveyances under the Recreation and Public Purposes Act. However, we believe that conveyance for fair market value as would be required by S. 726 would be generally consistent with the disposal criteria in S. 1292, the Administration's proposed National Resource Lands Management Act.

The Bureau of Land Management has made an assessment of the resource values and the physical character of the 40-acre tract covered by S. 726. We see no overriding reason for retaining the land in public ownership. The subject land in S. 726 is an isolated tract difficult to manage as part of the national resource lands and disposal will serve objectives which apparently cannot be achieved prudently or feasibly on land other than that tract and which appear to outweigh public objectives served by retention in Federal ownership. Although we have not had the opportunity to evaluate the values in the tract as fully as would be done under the Bureau of Land Management planning system, we shall do so in setting the fair market value as required by this Act. We do not object to S. 726 if the Congress wishes to resolve this matter by such private legislation.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely yours,

JAMES T. CLARKE,
Assistant Secretary of the Interior.

VI. CHANGES IN EXISTING LAW

In compliance with subsection (4) of Rule XXIX of the Standing Rules of the Senate, the Committee states that no change in existing law would be made by S. 726.



DIRECTING THE SECRETARY OF THE INTERIOR TO
CONVEY, FOR FAIR MARKET VALUE, CERTAIN LANDS
TO VALLEY COUNTY, IDAHO

SEPTEMBER 21, 1976.—Committed to the Committee of the Whole House on the
State of the Union and ordered to be printed

Mr. HALEY, from the Committee on Interior and Insular Affairs,
submitted the following

REPORT

[To accompany S. 726]

The Committee on Interior and Insular Affairs, to whom was referred the bill (S. 726) to direct the Secretary of the Interior to convey, for fair market value, certain lands to Valley County, Idaho, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE

S. 726 would authorize and direct the Secretary of the Interior to convey, upon the payment of fair market value as determined by him, certain lands to Valley County, Idaho.

BACKGROUND

The Valley County Commissioners have sought private land to be used as a sanitary landfill for more than four years. They have informed the Committee that after an intensive search, suitable private land cannot be acquired other than by condemnation. However, Boise Cascade Corporation does possess suitable land which it is not willing to sell but would exchange.

Should S. 726 be enacted, the Valley County Commissioners contemplate an exchange of the 40-acre tract of public domain land which would be conveyed to the County under the bill for the land owned by Boise Cascade. The exchange is deemed necessary because the land to be conveyed under S. 726 is far less suitable for a sanitary landfill than is the Boise Cascade land.

The 40 acres in Federal ownership to be conveyed, described as the "northwest quarter of the southwest quarter of section 3, township 15 north, range 4 east, Boise meridian, Valley County, Idaho", constitute

an isolated tract. The land is moderately sloping with a 70 percent stocking of second growth lodgepole pine and Douglas fir timber. The soil is coarse, decomposed granite material. The tract does not contain water.

The Department of the Interior, in its report on S. 726, found "no overriding reason for retaining the land in public ownership" and has no objection to the enactment of S. 726.

COST, BUDGET ACT COMPLIANCE, AND INFLATIONARY IMPACT

Enactment of S. 726 will not result in any expenditure of Federal funds. The proposed legislation would have no Federal budget impact nor would there be an inflationary impact.

OVERSIGHT STATEMENT

The Committee has not received any recommendation pursuant to Rule X, clause 2(b) (2).

COMMITTEE RECOMMENDATION

The Committee on Interior and Insular Affairs, by voice vote, recommends the enactment of S. 726, without amendment.

DEPARTMENTAL REPORT

The Department of the Interior reported that it had no objection to the enactment of S. 726 as follows:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., September 20, 1976.

HON. JAMES A. HALEY,
Chairman, Committee on Interior and Insular Affairs, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to the request of your Committee for the views of this Department on S. 726, in the House of Representatives, and Act "To direct the Secretary of the Interior to convey, for fair market value, certain lands to Valley County, Idaho."

We have no objection to the enactment of S. 726 as passed by the Senate.

S. 726 would authorize and direct the Secretary of the Interior to convey, upon the payment of fair market value as determined by the Secretary of the Interior, certain lands in Valley County, Idaho.

The land described in the bill is an isolated tract of national resource land in the Long Valley area of Valley County, Idaho and is completely surrounded by privately held land. It is moderately sloping with a 70 percent stocking of second lodgepole pine and Douglas fir timber. The soil is coarse decomposed granitic material. No water occurs on the tract.

It is our understanding that Valley County wishes to acquire the subject tract for use as a sanitary landfill or for exchange purposes in order to acquire another site for the landfill.

In the past, Valley County officials considered acquiring the subject tract for use as a sanitary land fill under the Recreation and Public Purposes Act. However, it was determined that the tract was not suitable for such development. The possibility of the Bureau of Land Management's exchanging this land for other land suitable for the landfill and conveying of the new tract to the County was also investigated but no agreement could be reached which would achieve the County's goals and satisfy the Department's criteria and procedures for conveyances under the Recreation and Public Purposes Act. However, we believe that conveyance for fair market value as would be required by S. 726 would be generally consistent with the disposal criteria in the Administration's proposed National Resource Lands Management Act, introduced as S. 1292, and with similar disposal criteria in S. 507.

The Bureau of Land Management has made an assessment of the resource values and the physical character of the 40-acre tract covered by S. 726. We see no overriding reason for retaining the land in public ownership. The subject land in S. 726 is an isolated tract difficult to manage as part of the national resource lands and disposal will serve objectives which apparently cannot be achieved prudently or feasibly on land other than that tract and which appear to outweigh public objectives served by retention in Federal ownership. Although we have not had the opportunity to evaluate the values in the tract as fully as would be done under the Bureau of Land Management planning system, we shall do so in setting the fair market value as required by this Act. We do not object to S. 726 if the Congress wishes to resolve this matter by such private legislation.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely yours,

JOHN KYL,
Assistant Secretary of the Interior.

○

Ninety-fourth Congress of the United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Monday, the nineteenth day of January,
one thousand nine hundred and seventy-six*

An Act

To direct the Secretary of the Interior to convey, for fair market value, certain lands to Valley County, Idaho.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized and directed to convey to Valley County, Idaho, subject to the provisions of section 2 of this Act, all right, title, and interest of the United States, in and to the following described lands:

The northwest quarter of the southwest quarter of section 3, township 15 north, range 4 east, Boise meridian, Valley County, Idaho.

SEC. 2. The conveyance authorized by the first section of this Act shall be made upon payment by Valley County, Idaho, to the Secretary of the Interior of an amount equal to the fair market value of such land, as determined by the Secretary after appraisal.

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*